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May 12, 2010

Commissioner David Morales
Division of Health Care Finance and Policy
Two Boylston Street, 5th Floor
Boston, MA 02116

To: Sue R
Yang
Scena
Steve M

RE: Comments on 114.5 CMR 21.00:
Health Care Claims Submission Data

Board of Directors
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Dear Commissioner Morales:

Health Law Advocates ("HLA") submits these written comments in connection with 114.5 CMR 21.00: Health Care Claims Submission Data. HLA is the Commonwealth's only non-profit, public interest law firm devoted solely to helping consumers overcome barriers to health care access.

HLA applauds the Division's decision to collect data to monitor health care cost trends, minimize the duplication of data submissions by payers to state entities, and to promote administrative simplification among State entities in Massachusetts. Given the goal behind this legislation, namely, to better understand the cost of health care, we suggest that there also be a requirement of data submission regarding denials of claims. Such data will help shed light on the cost of care that is shifted to consumers and providers where claims are denied by carriers, but care is still delivered.

To this end, we respectfully request the following:

- 145 CMR 21.03(4)(b): The first sentence should include information about claims and denials. We propose that it read: "Health Care Payers must provide claims-line detail for all health care services provided to Massachusetts residents, whether or not the health care was provided within Massachusetts, and whether or not the claims were denied or partially denied."
- 145 CMR 21.03(4)(e): This clause should read: "Health Care Payers must provide data for all pharmacy claims for prescriptions, including claims denied." As currently written, the section on pharmacy claims only requires data submission if the prescriptions are actually dispensed. However, as part of the ongoing effort to monitor health care cost trends, it would also be helpful to have data on prescription coverage denials.

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DIVISION OF HEALTH CARE
FINANCE AND POLICY

Commissioner David Morales

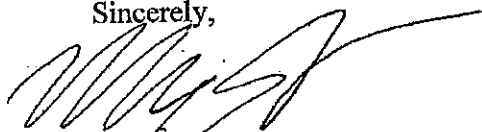
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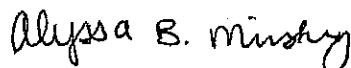
- 145 CMR 21.03(4)(f): This clause should read: "Health Care Payers must provide data containing all dental claims and denials for members."
- 145 CMR 20.02: This clause should be numbered 21.02. In addition, "Encounters Data" should be a defined term. Several provisions require the submission of Encounters Data.

Again, thank you for taking the initiative to regulate the reporting and data submission requirements for health care payers. We at HLA appreciate the opportunity to offer written comments. Please feel free to contact either of the undersigned with questions.

Sincerely,



Matt Selig, Esq.
Executive Director



Alyssa B. Minsky, Esq.
Staff Attorney